



**State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES**

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Epiphany Farms, Inc.
124 Hopewell Point Road
Wolfeboro, NH 03894

LETTER OF DEFICIENCY
WD WQE 02-03
April 12, 2002

and

Mr. Robert Fabricatore
CTC Communications Corp.
220 Bear Hill Road
Waltham, MA 02451

Re: Alteration of terrain for pond construction and the creation of agricultural fields
499 Pleasant Valley Road, Wolfeboro, New Hampshire
Block 37, Town of Wolfeboro Tax Mp 236

Dear Mr. Fabricatore:

On March 19 and April 4, 2002, personnel from the Department of Environmental Services ("DES") conducted inspections on the subject property ("Property"). The purpose of these inspections was to determine if the Property was the source of turbid water draining into Red Brook as reported to DES on March 18, 2002.

During the inspections, DES staff observed that approximately 18 acres of terrain had been altered for pond construction and creation of agricultural fields. DES staff also documented the following deficiencies:

Adequate temporary erosion and sedimentation controls had not been installed in this area.

- (2) Soil stabilization practices had not been implemented.
- (3) Widespread soil erosion had occurred on the hill above the pond.
- (4) Sediments from the hill had migrated into the pond creating turbid conditions.
- (5) Turbid water drained from the pond into a wetland and then into Red Brook, a tributary of Lake Wentworth.
- (6) Turbidity results for a water sample taken at Red Brook exceeded naturally occurring conditions by more than 15 Nephelometric Turbidity Units ("NTUs").

Pursuant to RSA 485-A:8, II, Red Brook is classified as a Class B water. Pursuant to Env-Ws 1703.11(b), turbidity in Class B waters may not exceed naturally-occurring conditions by more than 10 NTUs.

DES believes that the cited deficiencies can be corrected by immediately installing appropriate siltation/sedimentation/erosion control measures to prevent further erosion of the slope and siltation into the wetland and Red Brook.

DES encourages you to work with DES staff and a qualified consultant to develop both temporary and permanent erosion/sedimentation and stabilization plans, which should include locations of and installation details for the Best Management Practices ("BMPs") that are in accord with the DES publication "Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire" ("Green Book").

In the event these deficiencies are not corrected promptly, DES may order you to take such remedial measures as may be necessary. Failure to comply with such an Order may result in further enforcement action under RSA 485-A:22. DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

Nothing in this letter shall be construed to prevent DES from taking or requesting the NH Attorney General's Office to take appropriate action against other violations which may exist at the Property.

Should you have any questions regarding this letter, please contact Denise Frappier at 433-5981.

Very truly yours,

COPY

Rene J. Pelletier, Manager
Land Resources Management Program

RJP/DMF/
CERTIFIED MAIL, RRR

cc: Mark Harbaugh, DES Enforcement Attorney
Russell A. Nylander, P.E.-WD/DES
Denise M. Frappier-WQE/WD/DES
James Rines – White Mountain Survey Co., Inc.
Robert Houseman, Planner – Town of Wolfeboro
Mary Ann Tilton, DES Wetlands Bureau